

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ANDREW U.D. STRAW,

Plaintiff,

v.

No. 1:18-CV-00607-TWP-DLP

U.S. DISTRICT COURT FOR
THE S. DIST. OF INDIANA

Defendant.

ORDER

Plaintiff has filed a motion to proceed on appeal without prepayment of the appellate fees of \$505.00. An appeal may not be taken *in forma pauperis* if the trial court certifies that the appeal is not taken in good faith. 28 U.S.C. § 1915; *see Coppedge v. United States*, 369 U.S. 438 (1962). “Good faith” within the meaning of § 1915 must be judged by an objective, not a subjective, standard. *See id.* Respondent has presented no objectively reasonable argument that the disposition of this action was erroneous. In pursuing an appeal, therefore, the Respondent “is acting in bad faith . . . [because] to sue in bad faith means merely to sue on the basis of a frivolous claim, which is to say a claim that no reasonable person could suppose to have any merit.” *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000). Accordingly, Respondent’s appeal is not taken in good faith, and for this reason his Motion for Permission to Appeal *In Forma Pauperis*, dkt. 10, is DENIED.

IT IS SO ORDERED.

Date: 4/2/2018



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

Distribution:

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